REMARKS

Claims 1-8 are pending in this application. By this Amendment, claims 1, 4 and 6 are amended. No new matter is added. Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiners Wu and Smith in the August 28 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The Office Action rejects claims 1, 2, 4, 6 and 7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0177115 by Stern et al. (hereinafter "Stern"). Additionally, the Office Action rejects claims 1, 3-6 and 8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,167,191 to Hull et al. (hereinafter "Hull"). The Applicants respectfully traverse these rejections.

The Office Action asserts that the preamble is not given patentable weight because it does not breathe life and meaning into the body of the claim. This assertion is incorrect. The determination of whether a preamble limits a claim is made on a case by case basis in light of the facts in each case; there is no litmus test defining one of preamble limits scope of a claim. If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is "necessary to give life, meaning, and vitality" to the claim, then the claim preamble should be construed as if in the balance of the claim. See MPEP §2111.02. In this case, the claim preamble does give life, meaning, and vitality to the claim, because "static image data associated with video data" provides more meaning than "static image data."

Further, a preamble may provide context for claim construction, particularly, where that preamble's statement of intended use forms the basis for distinguishing the prior art in the patent's prosecution history. Clear reliance on the preamble during prosecution to distinguish

the claimed invention from the prior art transforms the preamble into a claim limitation because such reliance indicates use of the preamble to define, in part, the claimed invention. See MPEP §2111.02(II). As discussed above, the term "static image data associated with video data" must be given patentable weight because, together, it not only defines a relationship between a static image and video data, but also defines a fundamental characteristic of the entirety of the claimed subject matter. Therefore, the entirety of the pending claims, including preamble, must be considered. Stern does not disclose static image data associated with video data, but instead discloses static image data associated with microfilm data, as discussed in the Abstract. However, microfilm data is not video data, as positively recited in the pending claims, and further defined on page 6 of the Applicants' disclosure.

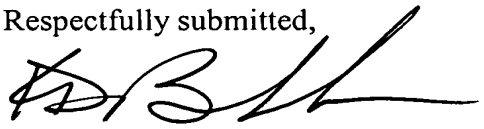
During the course of the interview, Applicants' representatives discussed static image data which is associated with time positions in video data. Neither Stern nor Hull teach associating static image data with time positions in a video data, the static image data being displayed with the video data during time positions with which the static image data are associated, as positively recited in the pending claims. Stern teaches a system and a method for extracting text from microfilm data through optical character recognition, as discussed in paragraph [0024] and shown in Figs. 3A and 3B. No elements of this process are associated with video data. Further, Hull teaches a system and method of audio and video storage and retrieval, as discussed in col. 4, lines 3-23. Hull teaches recording and storing a presentation including audio and video, and storing this information in a multimedia presentation file, as discussed in col. 4, lines 34-53. However, none of this presentation information includes static image data associated with time positions in video data, as positively recited in the pending claims.

For at least the above reasons, Stern and Hull do not teach, nor would they have suggested, the combination of features as positively recited in claims 1, 4 and 6. Further, claims 2, 3, 5, 7 and 8 are also allowable for at least their dependence on allowable independent claims 1, 4 and 6, as well as for the separately patentable subject matter that each of these claims recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: September 19, 2007

Attachment:
Request for Continued Examination

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